

Minutes
Solid Waste Management Board
Roselawn Public Library
4421 East State Road 10
Roselawn, Indiana
1:30 p.m., C.D.T.
September 20, 2011

1. CALL TO ORDER

The meeting was called to order by Vice Chairperson Rick Dyar at 1:31 p.m. A quorum was present.

Members present: Rick Dyar, Tom Barnett, Michael Carnahan, Marlin Chambers, Chuck Himes, Jim Murray, Ted Niemiec, M.D., Jason Ward, Tom Hohman, Pam Fisher, and Deborah Albright, Board Counsel.

Present for IDEM: Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ) IN Department of Environmental Management (IDEM), Lynn West, Office of Legal Counsel (OLC), Daniela Klesmith, (OLQ), Alison Beumer, Office of Water Quality (OWQ), Marylou Renshaw (OWQ), Mark Stanifer (OWQ), Ashley Snyder, Office of Compliance Support, NW Regional Office, Janet Pittman, OLC, and Dan Watts, OLC.

2. APPROVAL OF MINUTES

Vice Chairperson Dyar asked if there were any changes or corrections to the minutes of the March 15, 2011 meeting. A motion was made and seconded to approve the meeting minutes. The board voted unanimously to approve the March 15, 2011 minutes without change.

3. REPORTS

Mr. Bruce Palin thanked everyone for attending the training tour at Fair Oaks Dairy Farms and the Solid Waste Management Board (SWMB) meeting at the Roselawn Public Library. He explained that the purpose for touring the Farm was that IDEM is currently working on a biodigester rule soon to be presented to the SWMB and also because of the increased interest in biodigestion of different waste streams. He also stated that The Fair Oaks Farms biodigester is the first one operating in Indiana. Mr. Palin then spoke about the history of the Farms' permitting process and also the approval process for other biodigester facilities handling other waste streams in addition to manure and also receiving manures from several farms. For a verbatim account, please see pages 4 through 10 of the official transcript.

Ms. Lynn West discussed a future Board Meeting to include the presentation of the remediation Nonrule Policy Document (NPD). She said that since the NPD document is approximately 250 pages, it was decided that it could be reviewed through IDEM's website and it could be downloaded. Ms. West then distributed the Rules Project List with a brief explanation of some changes in the format. She then introduced Dan Watts, who is a new Rule Writer in the Rules Development Section, OLC.

4. RULE ACTIONS

LSA #11-90 Amendments to Rules – Updates and Corrections to the Hazardous Waste Management Rules in 329 IAC 3.1

Vice Chairperson Dyar announced the public hearing to consider final adoption of LSA #11-90, development of new rules and amendments to 329 IAC 3.1, Updates and Corrections to the Hazardous Waste Management Rules. He introduced Exhibit A, the draft rule, into the record. He then asked Ms. Lynn West, Rules Development Section, OLC, to present the rule.

Ms. West explained that the rule incorporates four amendments to the Hazardous Waste Rules:

1. The Environmental Protection Agency's (EPA) withdrawal of the emission comparable fuel exclusion as published by the EPA on June 15, 2010.
2. Changes to the delisting provisions for Tokusen USA in Scottsburg, Indiana, which were published by the EPA on September 22, 2010.
3. EPA's removal of saccharin and its salts, hazardous waste code U 202:1,2—benzisothiazol-3 (2H)-one, 11,1 dioxide and its salts, from the list of hazardous constituents and hazardous wastes.
4. Technical corrections to the academic lab waste rule published by the EPA on December 20, 2010.

Ms. West also stated that in addition to these EPA amendments, IDEM is proposing to restore 40 CFR 261, Appendix 9, to the hazardous waste rules. She stated that this rule would incorporate by reference 40 CFR 261, Appendix 9, by removing the provision at 329 IAC 3.1-6-2 (7), which deleted the Appendix in the first place. Please see pages 18 through 21 of the official transcript for a verbatim account.

Vice Chairman Dyar then asked if there were any questions from the Board or any commenter on the rule. Since there were neither, he concluded the hearing. Vice Chairman Dyar asked for a motion to preliminarily adopt the rule. Mr. Marlin Chambers made a motion to preliminarily adopt the proposed rule, and Mr. Jim Murray seconded. With a roll call vote, the Board voted unanimously to preliminarily adopt the proposed rule.

5. OPEN FORUM

Vice Chairman Dyar asked if anyone from the public wanted to speak on topics of interest or potential rulemakings. There were no commenters.

6. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. on Tuesday, November 15, 2011, at the Indiana Government Center South Conference Room A. Vice Chairperson Dyar adjourned the meeting at 1:57 p.m.

CHAIRPERSON

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. **To view approved minutes, you may go online to <http://www.in.gov/idem/4709.htm>.**